

ZONING ORDINANCE TOWN OF BARNET, VERMONT

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TOWN OF BARNET, VERMONT
ZONING ORDINANCE

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ARTICLE 1: ENACTMENT AND INTENT

Section 101: Enactment

In accordance with the Vermont Municipal and Regional Planning and Development Act, Title 24 V. S.A., Chapter 117, hereinafter referred to as the "Act", there are hereby established zoning regulations for the Town of Barnet, Vermont, which are set forth in the text and set of maps that constitute these regulations. This set of maps shall hereinafter be referred to as the "Official Zoning Map". These regulations shall be known and cited as the "Town of Barnet Zoning Regulations"

Section 102: Intent

It is the intent of these zoning regulations to provide for orderly community growth, to provide for public health, safety, and welfare, and to further the purposes established in the Act and the Barnet Town Plan.

ARTICLE II: ADMINISTRATION AND ENFORCEMENT

Section 201 : Administrative Officer

201.01 Appointment

The Administrative Officer shall be appointed pursuant to Section 4442 of the Act to administer these zoning regulations. An acting Administrative Officer may be appointed pursuant to Section 4442(b) of the Act in the event of a vacancy in the office. An Administrative Officer may be removed for cause at any time by the Planning Commission.

201.02 Powers

The Administrative Officer shall administer the provisions of this ordinance literally, but shall not have the power to permit any land development which is not in conformance with this ordinance or any ordinances of the Town. He shall have the power to make inspections of structures or land in order to carry out his duties in the enforcement of this ordinance.

The Administrative Officer shall maintain an up-to-date record of all applications for permits issued or refused with notations thereon of all special conditions involved. He shall file copies of all plans submitted to him and the same shall form a part of the above record. The Administrative Officer may keep the above records in the Town Clerk's Office

Section 202: Zoning Permits

202.01 Requirement

No person shall commence any land development without a permit issued by the Administrative Officer.

- 202.02 Exemptions
No zoning permit is required nor are setbacks applicable to the following:
- A. Fences, hedges, or walls not over 6 feet in height which do not interfere with corner visibility.
 - B. Accessory Structures not exceeding fifty square feet in floor area.
 - C. For exempt signs see Section 415.02 page 27.
 - D. Residential window and dormer awnings.
- 202.03 Application
In applying to the Administrative Officer for a zoning permit, the applicant shall submit a sketch or plan indicating the shape, size, height, and location of any structure to be erected, altered, moved, and of any structure already on that lot in relation to all property and right-of-way lines. This sketch or plan shall be accompanied by satisfactory evidence that the line of the bounding street or road has been accurately located and staked on the ground. The applicant shall also state the existing or intended use of all such structures or extensions thereof and supply other such information as may be required by the Administrative Officer to insure compliance with the provisions of this ordinance.
- 202.04 Issuance
If the proposed use, excavation, construction, alteration, extension or moving is in conformity with the provisions of this ordinance and other ordinances of the Town of Barnet the Administrative Officer shall issue a zoning permit therefor.
- The Administrative Officer shall not issue a permit for any land development if construction is commenced prior to the issuance of a permit, unless, upon inspection of the site, the Administrative Officer determines such development is in conformance with these regulations. If the Administrative Officer finds the construction to be in violation of any portion of these regulations, the applicant shall stop all construction and the permit denied.
- 202.05 Issuance with Pending Amendment
If a public notice is issued with respect to the amendment of these regulations, the Administrative Officer shall not issue any zoning permit for the period commencing upon the date of that public notice and ending upon the effective date of the adoption or rejection of the amendment except in accordance with Section 4443(c) of the Act.
- 202.06 Refusal
If a zoning permit is refused, the Administrative Officer shall state such refusal and the cause therefor in writing and shall immediately mail notice of such refusal to the applicant at the address indicated on the application.
- 202.07 Fees
The fee for zoning permits shall be set by the Board of Selectmen. Late filing fees for all zoning permits shall be two times the original fee.
All applications and appeals to the Board of Adjustment shall be accompanied by a fee as set by the Board of Selectmen to cover the cost of advertising and processing.

202.08 Posting

Each zoning permit issued under this section shall contain a statement of the period of time within which any appeal may be taken. within three days following the issuance of any zoning permit the Administrative Officer shall:

- A. Deliver a copy of the permit to the Listers of the Town, (4443(b)(1)).
- B. Post a copy of the permit in at least one public place in the Town until the expiration of fifteen (15) days from the date of issuance of the permit, (4443(b)(2)).
- C. Following the issuance of a permit for land development in a flood hazard area, the Administrative Officer shall affix a copy of the permit to the deed of the concerned property on file in the Town Clerk's Office, (4412(f)(4)).
- D. Mail copies of the approved permit to all adjoining property owners. Adjoining property owners shall include immediately across the highway from the proposed development.

202.09 Effective Date

No zoning permit shall take effect until the time for appeal (15 days) has passed, or in the event that a notice of appeal is filed properly, such permit shall not take effect until the final adjudication of said appeal, (4443(a)(3)).

202.10 Term

A zoning permit shall be valid for a period of twenty-four (24) months after its effective date.

202.11 Failure to Act

If the Administrative Officer fails to act with regard to an application for a permit within thirty (30) days, a permit shall be deemed issued on the 31st day, (4464(a)).

Section 203: Referral to State Agency

In accordance with Section 4409(c) of the Act, no zoning permit for the development of land in certain locations specified in said Section shall be issued by the Administrative Officer without first submitting a report to the appropriate State agency. The Administrative Officer shall prepare and submit such report within ten (10) days of receipt of such permit applications.

Section 204: Penalties

The provisions of this bylaw shall be enforced in accordance with Sections 4444 and 4445 of the Act.

Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Vermont Planning and Development Act as presently enacted, as amended from time to time, or otherwise to restrain, correct or prevent any violation of these regulations or prosecute violators thereof.

Section 205: Board of Adjustment

Members of the Board of Adjustment shall be appointed by the Board of Selectmen. Vacancies shall be filled by the Selectmen for unexpired terms and upon the expiration of terms. Each member of the Board may be removed for cause by the Selectmen upon written charges and after a public hearing, (446 1 (b)).

205.01 Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have the following powers and duties, or as set forth in the Act as amended from time to time, (4464(c)).

- A. To hear and decide appeals including, without limitation, where it is alleged that an error has been committed in any order, decision, requirement, or determination made by an Administrative Officer in connection with the enforcement of this ordinance.
- B. To hear and grant or deny a request for a variance, including land development commenced prior to applying for a zoning permit.
- C. To hear and grant or deny a request for approval of a conditional use, (4407(2)). See section 307.
- D. To hear and grant or deny a request for a zoning permit for any structure within the lines of any proposed street, drainageway, park, school, or any other public facility, if shown on the official map.
- E. The secretary of the Board of Adjustment at the direction of the Board shall perform all necessary functions of the Board.

205.02 Variances and Appeals

- A. An interested person may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the secretary of the Board of Adjustment or Clerk of the Town, if no such secretary has been elected, within fifteen (15) days of the date of such decision or act, (4464(a)).
- B. The Board of Adjustment shall set a date, place, and time for a public hearing on an appeal which shall be held within 60 days of the filing of the appeal according to Section 4467 of the Act. The Board shall give public notice of the hearing, and shall mail to the appellant a copy of such notice at least fifteen (15) days prior to the hearing date, (4467). It shall also mail such notice to the original applicant and to such other persons as the Board deems necessary.
- C. On appeal under Section 205.02(A) of this ordinance, wherein a variance from the provisions of this zoning ordinance is the relief requested by the appellant, the Board of Adjustment may grant such variance and render a decision in favor of such appellant. Variances may only be granted in accordance with the provisions set forth in Section 4468 of the Act.
- D. The Board shall render its decision, which shall include findings of fact, within 45 days after completing the hearing, and shall, within that period, send to the original applicant, the landowner and the appellant, by certified mail, a copy of

the decision. Copies of the decision shall also be mailed to every person having been heard at the hearing. Within three days a copy of the decision shall be filed with the Administrative Officer, and the Clerk of the Town, and a copy posted in a public place. If the Board does not render its decision within forty five (45) days, the Board shall be deemed to have rendered a decision in favor of the appellant, (4470).

- E. An interested person may appeal a decision of the Board within thirty (30) days of the decision to Environmental Court, (4471).

Section 206: Public Notice

Any requirement of public notice required by these regulations, whether or not required by any provision of the Act, and whether applicable to the Board of Adjustment or the Planning Commission, shall be given by the date, time, place, and purpose of such hearing in a newspaper of general publication in Barnet, and the posting of such notice in one or more public places within the municipality not less than fifteen days prior to the date of the public hearing. In every case in which public notice is required, such public notice shall include a brief summary of the purpose of the hearing.

ARTICLE III: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 301: Zoning Map and Districts

The 1991 version of the official zoning map is hereby adopted as part of this bylaw. The official zoning map shows a division of the Town into the following districts:

AG Agricultural District	RR Rural Residential District
LD Low Density District	VIL Village District

The location and the boundaries of zoning districts are established as shown on the Official Zoning Map, which shall be in the custody of the Town Clerk and is adopted by reference as a part of this zoning bylaw.

Soil surveys as prepared by the United States Department of Agriculture Soil Conservation Service were utilized to determine district boundaries. These include detailed information and geographic location of the various soil types, degree of slope, water table, depth to bedrock, percolation rate, and flood hazard area.

The back-up information for soil surveys is contained on the coded Aerial Photography Soil Maps of the Town of Barnet. These maps are also on file with the Town Clerk, and are complete with soil legend and interpretation sheets.

Section 302: Copies of Zoning Map

Regardless of the existence of copies of the Official Zoning Map, which may, from time to time, be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of land and water areas.

Section 303: Interpretation of Zoning District Boundaries

Where uncertainty exists as to district boundaries, as shown on the Official Zoning Map, the following rules shall apply:

- 303.01 Boundaries indicated as approximately following the center-lines of roads, streams, transportation and utility rights-of-way shall be construed to follow such center lines.
- 303.02 Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
- 303.03 Boundaries indicated as following shore lines shall be construed to be normal mean water level.
- 303.04 Boundaries indicated as approximately following the right-of-way boundary of a limited access highway shall be construed to follow such lines.
- 303.05 Boundaries indicated as parallel to or extensions of features in 303.01 through 303.04 above shall be so construed.
- 303.06 Where circumstances are not covered by 303.01 through 303.05 above the Planning Commission shall interpret the district boundaries.
- 303.07 When the Administrative Officer cannot definitely determine the location of a district boundary, the Administrative Officer shall refer the application to the Planning Commission for their interpretation of the location of the district boundary with reference to the Official Zoning Map and the purposes set forth in all relevant sections of this bylaw.

Section 304: District Objectives and Land Use Controls

The following tables establish the objectives of each of the districts hereby established and the regulations that apply respectively in each district. Any use designated as a "Permitted Use" which does not require site plan approval in the table relating to a particular district, may be commenced pursuant to Section 305 of these regulations. Any use designated as a "Permitted Use" requiring site plan approval in the table relating to a particular district, may be commenced pursuant to Section 306 of these regulations. Any use designated as a "Conditional Use" in the table relating to a particular district, may be commenced pursuant to Section 307 of these regulations. Any use not designated by these regulations as a "Permitted Use" or a "Conditional Use" in the table relating to a particular district shall be deemed to be prohibited in such district.

Section 305: Application of Regulations

Hereafter no land development shall commence except in compliance with all regulations, including the issuance of any required permits, in this bylaw for the district in which such building or land is located.

Table 305.01 Agricultural District - AG

The purpose of the Agriculture District is to protect lands with an economic capability for agriculture and which are now essentially undeveloped except for uses associated with agriculture or forestry.

Permitted Uses

1. Accessory uses and structures
2. Agriculture, non-residential structures
3. Boarding house
4. *Commercial forestry structures
5. *Commercial greenhouse and/or nursery
6. Dwelling, one family
7. Dwelling, two family
8. Farmstands
9. Group home
10. Home occupations
11. Mobile home

Conditional Uses

1. Animal clinic or kennel
2. Auto sales and service
3. Cemeteries
4. Energy producing & receiving facilities/structures
5. Government uses and public utilities (substations & lines)
6. Historical buildings and sites
7. Landfill, dump
8. Non-polluting agriculture & forestry products processing & storage
9. Non-polluting manufacturing or commercial enterprise
10. Outdoor recreation
11. Public or private school
12. Religious institutions
13. Soil, sand, gravel & stone quarries

Area and Dimension Requirements

Minimum lot size

Area (acres) 3

Frontage (feet) 200

Minimum setbacks from

Edge of right-of-way (feet) 25

Side lot line (feet) 25

Rear lot line (feet) 25

Maximum building height - 35 ft.

*Site Plan Review Required

Table 305.02 Low Density District – LD

The purpose of the Low Density District is to protect lands which usually have shallow soils and other limitations for development, and to discourage the overdevelopment of soils having poor drainage.

Permitted Uses

1. Accessory uses and structures
2. Agriculture, non- residential structures
3. Boarding house
4. *Camps, youth and/or adult
5. *Commercial forestry structures
6. *Commercial greenhouse and/or nursery
7. Dwelling, one family
8. Dwelling, two family
9. Farmstands
10. Group home
11. Home occupations
12. Mobile home

Conditional Uses

1. Animal clinic or kennel
2. Auction houses
3. Auto sales and service
4. Cemeteries
5. Energy producing & receiving facilities/structures
6. Government uses and public utilities (substations and lines)
7. Historical buildings and sites
8. Junk/salvage yard
9. Medical service and care facilities
10. Non-polluting manufacturing or commercial enterprise
11. Outdoor recreation
12. Public or private school
13. Religious institutions
14. Soil, sand, gravel and stone quarries
15. Warehouse

Area and Dimension Requirements

Minimum lot size

Area (acres) 3

Frontage (feet) 200

Minimum setbacks from

Edge of right-of-way (feet) 25

Side lot line (feet) 25

Rear lot line (feet) 25

Maximum building height - 35 ft.

*Site Plan Review Required

Table 305.03 Rural Residential District – RR

The purpose of the Rural Residential District is to provide for residential and other compatible uses at densities compatible with the physical capability of the land and the availability of community facilities and services on lands outside of Village District areas. Planned unit development, open space preservation and other techniques for preserving the rural character of these areas are encouraged.

Permitted Uses

1. Accessory uses and structures
2. Agricultural, non- residential structures
3. Barber or beauty shop
4. Boarding house
5. *Commercial forestry structures
6. Commercial greenhouse and/or nursery
7. Dwelling, multi family
8. Dwelling, one family
9. Dwelling, two family
10. Farmstands
11. Group home
12. Home occupations
13. Mobile home
14. Planned unit development

Conditional Uses

1. Animal clinic or kennel
2. Auction houses
3. Auto sales and service
4. Cemeteries
5. Clubs and organizations
6. Energy producing & receiving structures/facilities
7. Government uses and public utilities (substations and lines)
8. Historical buildings and sites
9. Hotels and motels
10. Indoor recreation or amusement
11. Medical service and care facility
12. Non-polluting manufacturing or commercial enterprise
13. Outdoor recreation
14. Public or private school
15. Religious institutions
16. Restaurant w/ or w/o lounge
17. Soil, sand, gravel & stone quarries
18. Warehouse

Area and Dimension Requirements

Minimum lot size

Area (acres)

w/ off lot water

w/ on lot water

Frontage (feet)

w/ off lot water

w/ on lot water

Minimum setbacks from

Edge of right-of-way (feet)

Side lot line (feet)

Rear lot line (feet)

I

3

100

200

25

25

25

Maximum building height - 35 ft.

*Site Plan Review Required

The Village Districts are the Fire Districts. It is the intent of these zoning regulations to strengthen the role of the fire districts as the focus of many social and economic activities in the community and to provide for residential, commercial, and other compatible development that serves the needs of the community. Such development should occur at densities and uses which will maintain the traditional social and physical character of the fire districts, including their historic and scenic resources, and which will not exceed the capability of the lands, waters, services, and facilities to absorb such densities.

Permitted Uses

1. Accessory uses and structures
2. Agricultural, non-residential structures
3. *Auto sales and service
4. *Banks
5. *Barber or beauty shop
6. Boarding house
7. Dwelling, multi family
8. Dwelling, one family
9. Dwelling, two family
10. Farmstands,
11. Group home
12. Home occupations
13. *Laundromat and/or laundry
14. Mobile home
15. *Mortuary
16. Planned unit development
17. *Printing, publishing, and photo studios
18. *Retail store and services
19. *Restaurant w/ or w/o lounge

Conditional Uses

1. Auction house
2. Cemeteries
3. Clubs and organizations
4. Energy producing & receiving structures/facilities
5. Equipment rental and sale (including travel trailers)
6. Fuel storage yard
7. Government uses and public utilities (substations and poles)
8. Historical buildings and sites
9. Hotels and motels
10. Indoor recreation and amusement
11. Medical service and care facility
12. Non-polluting manufacturing or commercial enterprise
13. Outdoor recreation
14. Public or private school
15. Religious institutions
16. Soil, sand, gravel & stone quarries
17. Warehouse

Area and Dimension Requirements

Minimum lot size		
Area (acres)		
w/ off lot water	0.5	Maximum building height - 35 ft.
w/ on lot water	1.0	
Frontage (feet)	100	*Site Plan Review Required
Minimum setbacks from		
Edge of right-of-way (feet)	25	
Side lot line (feet)	15	
Rear lot line (feet)	15	

Section 306: Site Plan Review

To insure adequate access, circulation, parking, landscaping, screening, and the protection of the utilization of renewable energy resources a policy of site plan review by the Planning Commission has been set forth in this ordinance.

As indicated in Tables 305.01 to 305.04, certain uses require site plan approval prior to the issuance of a zoning permit. Review shall be required for intensification of use, new construction, and for the increase of lot coverage. Projects not involving any additional coverage of the lot, either in the form of construction of, or addition to, a structure, or an increase in parking will not require site plan review.

The Planning Commission may waive site plan approval and instruct the Administrative Officer to issue a permit prior to the warning of a public hearing if the Commission finds that the proposed use or structure does not affect the adequacy of. (1) traffic access; (2) circulation and parking; (3) landscaping and screening, and; (4) the protection of the utilization of renewable energy resources.

306.01 Submission of Site Plan Map and Supporting Data

The owner shall submit two sets of site plan maps and supporting data as required by this paragraph which shall include the following information in drawn form and accompanied by written text:

- A. Name and address of the owner of record.
- B. Names and addresses of the owners of adjoining lands.
- C. Name and address of person or firm preparing map, and date.
- D. North arrow and scale of map.
- E. Lot lines with dimensions.
- F. Approximate locations and dimensions of existing and proposed structures and utilities.
- G. All curbs and access to public highways and waters.
- H. Existing and proposed parking and loading/unloading areas detailing layout and vehicular circulation.
 - 1. Proposed pedestrian walkways and entrances to structures.
- J. Proposed streets and vehicular circulation.
- K. Detailed landscaping indicating existing and proposed trees and shrubs.
- L. Proposed site grading plan.
- M. Locations of proposed signs.

306.02 Site Plan Review Procedure

In considering its actions the Commission shall consider and may impose appropriate conditions and safeguards, only with respect to traffic access, circulation and parking, landscaping and screening, and the protection of the utilization of renewable energy resources.

The Commission shall review the site plan map and supporting data before approval, approval with stated conditions, or disapproval is given, and shall take into consideration the following objectives:

- A. Maximum safety of vehicular circulation between the site and the street network, particular consideration shall be given to visibility at intersections, to traffic flow and control, and to access in case of emergency.
- B. Adequacy of circulation, parking, and loading facilities. Particular consideration shall be given to the items in (A) above and the effect of noise and/or glare, on adjoining properties. Refuse and service areas should be included in the consideration. Provisions for snow removal should also be made.
- C. Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility and protection to adjacent property. Particular consideration shall be given to the protection of existing vegetation, visibility of unsightly- or incompatible areas from the road and adjoining properties, and the adequacy of landscaping materials to meet seasonal conditions, soil conditions, and light on the site.
- D. Determination: The Planning Commission shall meet to approve or disapprove any such site plan within sixty (60) days after the date on which it receives the proposed plan. Failure to act within such a period shall be deemed approval. Should the application be incomplete, the sixty day period shall not commence until the application is complete in accordance with the requirements under Subsection 306.01. This sixty day review period may be extended upon written agreement with the applicant.
- E. The Planning Commission shall hold one or more public hearings, after public notice, when considering site plan review applications.

Section 307: Conditional Uses

A use permitted under Section 305 upon the issuance of a conditional use permit by the Board shall be permitted only if the Board determines, after public notice and public hearing, that the proposed use conforms to the following general and specific standards:

307.01 General Standards

The proposed use shall not adversely affect:

- A. The capacity of existing and planned community facilities, (4407(2)).
- B. The character of the affected area, (4407(2)).
- C. Traffic on roads and highways in the vicinity, (4407(2)).
- D. Bylaws then in effect.
- E. The protection of the utilization of renewable energy resources.

307.02 Specific Standards:

- A. The proposed use shall comply with all specific regulations of this ordinance applicable to it, including, but not limited to: Lot Area, Setbacks, Parking and Unloading, and Lot Coverage. However, if one of the following Subsections contains a more restrictive requirement for a particular use, such Subsection shall control as to that particular use.
- B. Roadways, parking and unloading facilities shall be designed and constructed so as not to cause undue highway congestion, or unsafe traffic conditions.
- C. Signs not attached to buildings shall be consolidated in one location on the property, and be of uniform size, shape, and design. Signs attached to buildings shall be of comparable design with the consolidated signs.
- D. The Board may require that the outdoor storage of raw materials or inventory be screened or hidden from public highway view, or the view of persons in residential districts.
- E. All sewage and other effluents shall be safely disposed of so that it will not become a hazard to the public health.
- F. No glare, lights, or reflection shall be permitted which is a nuisance to other property owners or tenants, or which could impair the vision of a driver of any motor vehicle or is detrimental to the public health, safety, or welfare.
- G. No fire, explosive, or safety hazard shall be permitted which endangers other property owners or which results in an increased burden on Town facilities.
- H. The above ground storage of highly flammable liquids shall not be permitted unless such use meets the following standards and setbacks:

Storage Capacity	Setback from all lot lines
551-10,000 gallons	80 feet
10,001 or more gallons	200 feet

All sites having a storage capacity of greater than 550 gallons shall be properly retained with dikes having a capacity of not less than one and one-half times the capacity of the tanks surrounded.

- I. No emission of objectionable odor beyond the property line of a premises shall be permitted. This shall not apply to agricultural uses. See Section 416 page 28.
- J. No emission of fly ash, dust, fumes, vapors, gases, or other forms of air pollution shall be permitted which can cause any damage to health, animals, vegetation, or property or excessive soiling on the property of others.
- K. No vibration shall be permitted on any parcel which causes or results in any noticeable vibration of, or damage to, any abutting property.
- L. No noise, created on any parcel, shall be permitted which is excessive at the property line and represents a significant increase in noise levels in the vicinity so as to be incompatible with reasonable use of the surrounding area.
- M. Where permitted as a conditional use, any new, or extension to any existing commercial soil, sand, gravel, or rock removal operation shall be subject to the following standards and conditions:

1. Before approval of any new or extension to an existing sand or gravel operation, a performance bond may be required from the applicant sufficient to insure that upon completion of the extraction operations, the abandoned site will be left in a safe, attractive, and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this. The bond shall be sufficient to cover the cost of restoration of the site for other reasonable uses, (4407(8)).
2. The removal of all material shall be done so as to result in an improvement in the land, having due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of deep pits or slopes shall not be permitted, unless provision is made to refill such pit in a manner satisfactory to the Board.
3. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched, and reseeded so as to furnish a firm cover of grass or other vegetation sufficient to prevent erosion to the satisfaction of the Board.
4. All surface drainage affected by excavation operations shall be controlled by the contractors to prevent erosion debris and other loose materials from filling or eroding any drainage course, road, or private property.
5. No excavation, blasting, or stockpiling of materials shall be located within 50 feet of any road or other property line.
6. No power activated sorting machinery or equipment shall be located within 300 feet of any road or property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
7. Excavation slopes, except rock slopes, shall not be left in excess of one to two unless the prior grade was greater and cannot be remedied to one to two. (Slope of one foot rise to two feet horizontal).
8. All excavation slopes in excess of one to one shall be adequately fenced or barricaded as determined by the Board.
9. The Board may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

307.03 In granting a conditional use the Board may attach such additional conditions and safeguards as it may deem necessary to implement the purposes of Title 24 V. S.A., Chapter 117, and this ordinance.

307.04 Effect

A conditional use permit issued by the Board shall be effective for two years from the date of issuance. If the use granted under this permit has not been instituted within this two-year period, the applicant shall be required to apply to the Board for a renewal or new permit.

Section 308: Planned Unit Developments (PUD's)

In accordance with the provisions of 24 V.S.A. 4407(12), Planned Unit Developments are hereby permitted to enable and encourage flexibility and innovation of design and development of land in such a manner as to promote the most appropriate and efficient use of land; to facilitate the adequate and economical provisions of streets and utilities, to maximize energy conservation, and to preserve the natural and scenic qualities of the open land of the Town.

To permit a Planned Unit Development the Planning Commission may modify these zoning regulations simultaneously with the approval of a site plan map, subject to the following standards, by which a proposed PUD shall be evaluated.

308.01 General Provisions

- A. The proposal shall be an effective and uniform treatment of the development possibilities of the project site, including common ingress and egress on and off public roads whenever practicable. The proposed development plan shall make appropriate provision for the preservation of streams and streambanks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique, natural and man-made features.
- B. The proposal shall be consistent with the Town Municipal Development Plan and all applicable bylaws.
- C. Mixed uses shall be arranged to be compatible and to insure visual and aural privacy for residents of the project.
- D. The development plan shall be phased over a reasonable period of time in order that adequate municipal facilities and services may be provided.
- E. Uses shall be limited to those permitted and conditional uses allowed within the district(s) in which the PUD is proposed.
- F. Density may vary within the PUD, but the overall density of residential, commercial, industrial, and other units shall not exceed 25% more than the number of lots which would be permitted, if the land were subdivided into lots in conformance with the zoning regulations for the district(s) in which the PUD is proposed.
- G. The Planning Commission may allow for a greater concentration of density or intensity of residential land use, within some sections or section of the development than upon others, which shall be offset by a lesser concentration in any other section.
- H. The minimum lot area for a PUD shall be either 5 acres or the minimum required lot area for the district in which the PUD is located, whichever is greater.
- I. Roadways, parking and unloading facilities shall be designed and constructed so as not to cause unreasonable highway congestion or unsafe traffic conditions. No roadway shall have a grade at any point in excess of 10 percent.
- J. Signs not attached to buildings shall be consolidated in one location on the property, and be of uniform size, shape, and design. Signs attached to buildings shall be of comparable design with the consolidated signs.

- K. The outdoor storage of raw materials or inventory shall be screened or hidden from public highway view, or the view of persons in residential districts.
- L. Lot coverage for all structures shall not exceed 30 percent of the area included in the Planned Unit Development application. The proposed land use shall conform to all minimum setbacks for the district where located and all minimum parking and unloading requirements; the Planning Commission may increase these as may be necessary to prevent fire hazards and interference with the rights of neighboring property owners to reasonable enjoyment of their property.
- M. The maximum number of units per acre permitted shall be subject to approval by the Commission.
- N. Any community sewage disposal and water supply systems shall meet the regulations and standards of the Vermont Department of Health and any applicable Town regulations and standards. Installation of central water supply systems shall be required in PUD's. Such water supply when installed shall be of drinking quality. It shall have the necessary quantity, acceptable pressure, and connections to provide fire suppression when the PUD is fully developed.
- O. The proposal shall provide for the preservation of open space. Open space shall be in a location or locations, size and shape approved by the Planning Commission and shall be protected by appropriate legal devices to insure the continued use of such lands for the purpose of agriculture, forestry, recreation, or conservation.
- P. In addition to the foregoing, as may be applicable, travel trailer parks shall conform to the following:
 - 1. Parks shall provide for individual RV's access driveways and parking.
 - 2. Each site shall be at least 2,500 square feet in area, and have a compacted gravel or other suitable surface at least 20 feet in width and length.
 - 3. At least three trees (of at least one inch diameter at base) shall be located on each site unless growing there, and shall be suitably maintained by the applicant.
 - 4. There shall be a minimum of 30 feet clearance between each travel trailer site.
 - 5. Each site shall be located in a well-drained area.
 - 6. An area between all travel trailers and the traveled portion of any adjacent public highway and any other boundary of the park abutting a property used for residential purposes shall be landscaped with existing or newly planted trees to a depth of twenty-five feet.
 - 7. Travel trailers within the park shall be placed no closer than 200 feet to a dwelling (other than the owner's dwelling on the park property) or within 50 feet of a public right-of-way or abutting property line, whichever distance is greater.
- Q. In addition to the foregoing, as may be applicable, mobile home parks shall conform to the following:

1. A minimum of 8000 square feet of lot area shall be provided for each mobile home, including a minimum of 5000 square feet for each mobile home site, plus a minimum of 3000 square feet for each mobile home for common open space, exclusive of roads. Such common space shall be accessible to all residents of the mobile home park.
 2. Provision shall be made for adequate siting of mobile homes to maximize energy conservation and protect existing vegetation.
 3. There shall be an undeveloped area of not less than 50 feet in depth between all mobile home sites and the right-of-way of any adjacent highway and any other boundary of the mobile home park. It shall be landscaped with existing or newly planted trees or other plant materials.
- R. The Planning Commission may attach such reasonable conditions and safeguards as may be necessary to implement the provisions of 24 V. S.A., Chapter 117, and this zoning ordinance in order to protect the public health, safety, and welfare. These may include provisions for landscaping.

308.02 Procedures

- A. The Planning Commission shall hold one or more public hearings, after public notice, on a Planned Unit Development application.
- B. The application shall contain a subdivision plan or plan of the proposed development, prepared by a licensed engineer or surveyor, legibly drawn to scale on sheets of no more than 24" by 36" outside measurement, showing the following:
 1. Property and lot boundaries.
 2. Location, height, and spacing of existing and proposed structures.
 3. Open spaces and their landscaping.
 4. Streets, driveways and off-street parking, unloading and service area.
 5. Utility lines, storm and natural drainage, and septic systems.
 6. Proposed lighting.
 7. Such other features as the Commission may require.
 8. The site plan shall be accompanied by a statement setting forth the proposed provisions for sewage disposal and for the maintenance of open lands.
- C. No buildings shall be constructed until all proposed streets, parking areas, water, sewer, and utility lines, and required drainage and landscaping requirements have been completed in accordance with the Planning Commission's final order, and these regulations. The Planning Commission shall waive this requirement if the applicant files a performance bond for the benefit of the Town, issued either by a bonding or surety company approved by the Selectmen, or a bond is filed by the applicant with security acceptable to the Selectmen, in an amount sufficient to cover the full cost of such improvements and their maintenance for a period of two (2) years after completion, as is estimated by the Board of Selectmen. Such

bond or other security shall provide for and secure the completion of such improvements within two (2) years of the date it is approved by the Selectmen.

- D. The Planning Commission shall act to approve or disapprove an application within 45 days of the last public hearing. Failure to act within such time shall be deemed approval.

ARTICLE IV: GENERAL PROVISIONS

Section 401: Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these zoning regulations, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

Section 402: Required Frontage on, or Access to, Public Roads or Public Waters

No land development may be permitted on lots which do not have frontage on either a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by permanent easement or right-of-way of record at least 20 feet in width.

Section 403: Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such district boundary line is adopted, the regulations for the less restricted part of the lot shall extend not more than 35 feet into the more restricted part of the lot.

Section 404: More Than One Building on a Lot

When there is more than one principal building on a parcel, the space between such buildings shall be no less than the combined setbacks that would be required if each building were on a separate lot. Minimum lot area requirements shall apply to each principle building.

Section 405: Reduction of Lot Area or Yards

No lot or required yard shall be so reduced in area, setbacks, frontage, or other requirements such that it no longer conforms to such requirements for the district in which it is located.

Section 406: Required Area or Yards

Space required under these regulations to satisfy yard, area, or other open space requirements in relation to one building shall not be used to satisfy the same requirements for any other building.

Section 407: Yards on Corner Lots

Any yards abutting a public road right-of-way shall be considered front yards for the purposes of these regulations.

Section 408: Projections Into Required Yards

All structures, whether attached to the principle structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum required front, side, or rear yard.

Section 409: Temporary Construction Huts

A temporary construction hut shall be considered as an accessory building to the proposed or existing land development, structure, or project under construction. Such temporary construction hut shall not continue for more than one year, without a building permit renewal. Any and all such huts shall be removed within 30 days of the date of completion of construction.

Section 410: Excavations

With the exception of rock cuts, no grading, cutting, or filling shall be carried out in any district which leaves the slope of the existing grade in excess of one foot measured vertically for every two feet measured horizontally.

Section 411: Demolished, Collapsed or Burned Structures

411.01 Within 24 months after any structure has been demolished, or has collapsed, the owner shall repair, rebuild, or replace the structure, or shall remove all structural materials and secure any cellar hole.

411.02 Within 12 months after the fire marshall has released a burned building, the owner shall repair, rebuild, or replace the structure, or shall remove all structure materials and secure any cellar hold.

Section 412: Travel Trailers

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach, or motor home on any public or private property, except in accordance with the regulations as follows:

412.01 In an approved travel trailer park.

412.02 In an approved sales, service, and repair facility.

412.03 A person may park or store his/her travel trailer on his/her property without a permit providing it is no closer than six feet to any property line and as long as it is not occupied for more than 60 days in a calendar year.

412.04 Any person occupying a travel trailer for longer than 60 days in a calendar year shall meet the requirements for a single family dwelling.

Section 413: Flood Hazard Regulations

413.01 Lands to Which These Regulations Apply. These regulations shall apply for development in all areas in the Town of Barnet identified as areas of special flood hazard on the current National Flood Insurance Program maps which are hereby adopted by reference and declared to be part of these regulations.

413.02 Conditional Use Permit Required

A. All development including fill, excavation, grading, erection or placement of structures, substantial improvement of existing structures and storage of equipment and material prescribed by the Town of Barnet zoning bylaw are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Board of Adjustment.

B. Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Department of Water Resources and Environmental Engineering in accordance with 24VSA 4409. A permit may be issued only following receipt of comments from the Department of or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

C. Adjacent communities and the Vermont Department of Water Resources and Environmental Engineering shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

D. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

413.03 Base Flood Elevations and Floodway Limits

A. Where available, i.e.; Zones A I -A30, AE, and AH, the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.

B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, i.e.; Zone A, base flood elevation and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer the provisions of these regulations.

413.04 Conditional Use Review Procedures

A. Upon receiving an application for a conditional use permit under these regulations, the Board of Adjustment shall, prior to rendering a decision thereon:

1. Obtain from the applicant;
 - a. The elevation (in relation to mean sea level) of the lowest floor, including basement, of new buildings or buildings to be substantially improved;
 - b. Where flood proofing is proposed, the elevation (in relation to mean sea level) to which the building will be floodproofed;
 - c. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features
 - d. Base flood elevation data for subdivisions and other proposed development which contain at least 50 lots or 5 acres (whichever is the smaller).
 - e. Such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for the proposed development.
2. Obtain from the Vermont Department of Water Resources or other state or federal agencies any available base flood elevation data.

B. In reviewing each application, the Board of Adjustment shall consider

1. The evaluation of the Vermont Department of Water Resources.
2. The availability of alternative locations not subject to flooding for the proposed use.
3. The susceptibility of the proposed improvement to flood damages.
4. The safety of access to the property in times of flood of ordinary and emergency vehicles.
5. The potential for damage to the property caused by erosion.
6. The danger that materials may be swept onto other lands and cause damage to others.
7. Such other factors as are relevant to the purposes of this bylaw.

C. The Board of Adjustment may grant a conditional use permit for development provided:

1. All necessary permits are obtained from those governmental agencies from which approval is required by Federal or State law.
2. The development standards of 413.05 are met or exceeded.

413.05 Development Standards Within Areas of Special Flood Hazard

A. All development and structures shall be:

1. Designed to minimize flood damage to the proposed development and to public facilities and utilities, and;
2. Designed to provide adequate drainage to reduce exposure to flood hazards.
3. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
4. Constructed with materials resistant to flood damage;
5. Constructed by methods and practices that minimize flood damage, and;
6. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

B. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

C. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.

F. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.

G. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.

H. Existing buildings to be substantially improved for:

1. Residential purposes shall be modified or elevated to meet the requirements of 413.05(G).
2. Non-residential purposes shall either:
 - a. Meet the requirements of 413.05(G), or;
 - b. Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in

accordance with accepted standards of practice for meeting the provisions of this subsection.

I. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside of the floodway, provided the area is filled to at least one foot above the base flood elevation.

413.06 Duties and Responsibilities of the Administrative Officer. The Administrative Officer shall maintain a record of:

- A. All permits issued for development in areas of special flood hazard.
- B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
- C. The elevation, in relation to mean sea level, to which buildings have been flood proofed.
- D. All floodproofing certifications required under this regulation.
- E. All variance actions, including justification for their issuance.

413.07 Variances

A. Variances shall be granted by the Board of Adjustment only:

- 1. In accordance with the provisions of 24 VSA section 4468;
- 2. Upon a determination that during the base flood discharge the variance will not result in increased flood levels.
- 3. Upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

413.08 Warning of Disclaimer of Liability. These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Barnet or any official or employee thereof for any flood damages that result from reliance on this bylaw or any administrative decision lawfully made thereunder.

Section 414: Home Occupations

No regulation herein may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and does not change the character thereof

Section 415: Signs

The purpose of this section is to promote and protect the public health, safety, and welfare by regulating existing and proposed signs in the Town of Barnet. It is further intended to hereby control and reduce the proliferation of signs in order to protect the economic and scenic value of the Town, and in order to prevent hazards to users of roads in the Town.

415.01 Regulations and Restrictions

- A. Each non-residential use shall be permitted one sign.
- B. The maximum area of a sign shall be 32 square feet for a one sided sign and 64 square feet for a two sided sign.
- C. When a sign has two or more sides, the area of all sides shall be included in computing the total area of the sign.
- D. No sign shall be permitted closer to a sidewalk than three feet from any vertical line to the edge of the sidewalk, except at least eight feet above the sidewalk.
- E. A free standing sign shall not exceed 20 feet in height.
- F. No sign shall be permitted which appears to direct the movement of traffic, or which interferes with, imitates, or resembles any official traffic, directional, or route sign, signal or device.
- G. No sign shall be permitted which prevents a clear and unobstructed view of official traffic signs and approaching or merging traffic.
- H. Lighting shall be so shielded so that the source of light shall not be visible from any point and so that only the sign is directly illuminated.
- I. All signs must be well constructed and maintained in good repair and stable condition.
- J. No sign shall be erected, attached, or maintained on utility poles or drawn or painted on rocks or other similar natural features.
- K. No sign shall be allowed which is not on the premises served by the sign, except special directional signs as permitted in Title 10 V. S.A. Chapter 21.
- L. No sign may be attached or placed upon any property, including but not limited to, cars, fences, walls, and buildings, by anyone other than the owner, or tenant of such property or his authorized agent.
- M. No sign which is attached to a building may extend above the eaves of that part, or the roof of the building to which the sign is attached.

415.02 Exempt Signs

The following signs do not require permits:

- A. One single or double sided "real estate for sale" sign may be posted for each 500 feet of frontage, or part thereof, provided that such signs do not exceed an area of six square feet per side. This exemption does not apply to so-called "sold by" signs.

B. Signs erected, maintained, or administered by the Town or Federal Government or the State of Vermont under Title 10 Chapter 2 1, whether maintained at private or public expense.

C. Small signs without advertising displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas or the like with an area not exceeding two square feet.

D. Signs to be maintained for not more than four weeks announcing an auction, or a campaign drive or event of a civil, political, philanthropic service, religious organization, special sales, special rates, fairs, expositions, special entertainment or similar information, not exceeding six square feet in area.

E. Signs located on the rolling stock of common carriers or on registered motor vehicles except those which are determined by the Administrative Officer to be circumventing the intent of this Ordinance.

F. Signs identifying stops or fare zone limits of common carriers provided they do not exceed 260 square inches in area.

G. Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith, provided that the total area on any one side of such sign shall not exceed two square feet and shall be spaced at intervals of not less than 100 feet.

H. Temporary signs of carpenters, plumbers, electricians, and other contractors may be erected only on the premises where such work is being performed. The total area of all such signs on a single lot shall not exceed 12 square feet in area, and shall be removed promptly upon completion of the work.

I. Signs of not more than 2 square feet naming or numbering a building or posting the owners name (Non-commercial).

415.03 Non-Complying Signs

A. Signs existing on the effective date of this ordinance which do not comply with these regulations may be continued.

B. Non-complying signs which have been damaged or destroyed by fire or other accident may be re-established, but only within one year of such damage or destruction.

C. Non-complying signs which have been voluntarily removed shall not be remounted on the supporting structure except in compliance with these regulations.

Section 416: Agricultural Uses - Special Regulations

416.01 Buildings housing more than 100 poultry kept for commercial purposes shall be located at least 500 feet from any adjacent property line.

416.02 Properties of under ten acres may raise livestock provided that they do not create a nuisance, odor, or excessive noise off the premises.

Section 417: Building Height – Exemptions

Towers, steeples, cupolas, chimneys, antennas, farm silos, windmills with blades less than 20 feet in length, roof top solar collectors less than 10 feet in length, roof top solar collectors less than 10 feet in height which are mounted on complying structures, and similar structures are exempted from the maximum building height regulations.

Section 418: Parking and Loading/Unloading Space Requirements

418.01 Off-Street Parking Space Requirement For every building or use hereafter erected, altered, extended or changed in use, there shall be provided on the same lot as the structure, or on a lot adjacent thereto under the same ownership or permanent easement, off-street parking spaces as set forth in this section. A required driveway shall be at least 20 feet clear in width, except for one and two family uses, and agricultural-forestry uses.

<u>Use</u>	<u>Parking Spaces Required</u>
A. Residential.	1 per dwelling unit.
B. Hotels, motels tourist and boarding houses.	2 plus 1 per lodging unit.
C. Hospitals, nursing, and convalescent homes.	1 per 2 beds
D. Places of Public Assembly.	
With seating	1 per 2 seats
Without seating	1 per 200 square feet of floor area or fraction thereof
E. Business, professional, and medical offices.	1 per 250 square feet of floor area or fraction thereof
F. Commercial & retail business uses.	1 per 300 square feet of floor area or fraction thereof
G. Restaurant, eating & drinking establishment	1 per 2 seats.
H. Industrial	1.5 per employee
1. Warehouse, storage & freight	1 per 1000 square feet or fraction thereof
J. Outdoor recreation	1 per 1000 square feet of lot area or fraction thereof
K. Funeral homes	1 per 70 square feet of floor space or fraction thereof.
L. Other uses	As required by the Planning Commission.
M. The minimum dimensions of a parking space shall be 9 feet wide by 20 feet long. A parking lot shall have a total area of 300 square feet per parking space.	

418.02 Off-Street Loading and Unloading Space Requirements For every building hereinafter erected, altered, extended or changed in use for the purpose of business, trade, or

industry there shall be provided off-street space for loading and unloading of vehicles as set forth below.

Use Loading

Unloading Spaces Required

A. Hotels, motels, hospitals, commercial, business and service establishments

1 space, at least 12' by 35', per 1000 sq. ft. of floor area or fraction thereof.

B. Industrial, wholesale, warehouse, freight and trucking uses

1 space, at least 12' by 60', per 7500 sq. ft. of floor area or fraction thereof

418.03 Additional Parking and Loading/Unloading Space Requirements

A. The Planning Commission may require additional off-street parking and loading/unloading spaces for any use if found that minimum spaces are not sufficient.

B. Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another use at the same time, except upon approval of the Planning Commission.

Section 419: Obstruction of Vision

In all districts on a corner lot, within the triangular area formed by the intersection of two road lines and a third line joining them at points 25 feet away from their intersection, there shall be no obstruction of vision over three feet in height above the average grade of each road.

Section 420: Subdivision of Land

420.01 Any division of land into two or more lots shall require a zoning permit.

420.02 Any lot created that is less than the minimum acreage required, which is to be conveyed to an abutting landowner and is to be used as part of an abutting lot, shall be allowed with a permit.

420.03 Except as provided herein, or in the State Environmental Protection Rules, lots which do not comply with the minimum lot area requirements set forth in these zoning regulations shall not be permitted.

Section 421: Sewage Regulations

Neither the Administrative Officer nor the Board of Adjustment may approve of, nor issue a permit for, any land development that requires sewage facilities or addition to sewage facilities, unless such facilities have been approved according to Barnet's sewage regulations.

Section 422: Shoreland Regulations

These regulations provide for the general development of lakes, ponds, and streams. Minimum regulations are set forth providing guidance for future development of shoreland areas.

422.01 These regulations shall apply to all lands located in the agricultural, low density, and rural residential districts which are located within 500 feet of the following bodies of water:

- | | |
|----------------------|-------------------------|
| 1. Harveys Lake | 7. Stevens River |
| 2. Warden Pond | 8. South Peacham Brook |
| 3. Sarah Moore Pond | 9. Peacham Hollow Brook |
| 4. Jewett Pond | 10. Joe's Brook |
| 5. Connecticut River | 11. Water Andric |
| 6. Passumpsic River | 12. Jewett Brook |

422.02 These regulations shall not apply in the village district.

422.03 No land development, as defined in 24 V.S.A. 4303(3), may be commenced within 100 feet of any body of water listed in Section 422.01 unless the nature of the proposed use requires that it be located on the shore. Except that decks are to be permitted at Harvey's Lake if they are on posts or piers (not foundations) are not covered or enclosed by more than a 36 inch railing, and not to exceed 300 square feet.

422.04 Setbacks from designated bodies of water.

A. Of any use permitted in any district, the following uses are prohibited within 200 feet of the designated bodies of water:

1. Commercial forestry structures
2. Restaurant w/ or w/o lounge
3. Indoor recreation or amusement
4. Warehouse
5. Medical services and care facilities
6. Public or private schools
7. Soil, sand, gravel, and stone quarries
8. Hotels and motels
9. Non-polluting manufacturing or commercial enterprise
10. Non-polluting agriculture and forestry products processing and storage.

B. Of any use permitted in any district, the following uses are prohibited within 500 feet of the designated bodies of water:

1. Junk/salvage yard
2. Landfill/dump

422.05 The regulations of the district in which a lot is located shall apply to the development of that lot except when this section sets forth more stringent restrictions than the district regulations.

422.06 In situations where shoreland areas are designated floodplains the regulations of Section 413 shall control and this section shall have no effect.

ARTICLE V: NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Section 501: Construction Approved Prior to Adoption or Amendment to Regulations

Nothing contained in these regulations shall require any change in plans for the construction of a non-complying structure or the establishment of a non-conforming use for which a zoning permit has been issued prior to the effective date of these regulations or which is completed, or suitable for occupancy or use within two (2) years from the effective date of this bylaw.

Section 502: Non-Conforming Uses

In accordance with 24 V. S.A. 4408, the following provisions shall apply to all non-conforming uses existing on the effective date of these regulations. Any non-conforming use may be continued indefinitely, but:

502.01 Shall not be changed to another non-conforming use without approval of the Board of Adjustment, and then only to a use which, in the judgement of the Board is of the same or more restricted nature.

502.02 Shall not be re-established if such use has been discontinued for a period of 12 months or more for any reason, or has been changed to, or replaced by, a conforming use. Intent to re-establish a non-conforming use shall not confer the right to do so.

502.03 May be expanded up to 20 percent greater than its existing size on the effective date of these regulations, subject to approval by the Board of Adjustment, after public notice and public hearing, provided the expansion conforms to any other applicable requirements of these regulations.

Section 503: Non-Complying Structures

In accordance with 24 V. S.A. 4408 the following provisions shall apply to all non-complying structures existing on the date of these regulations.

Any non-complying structure:

503.01 May be continued indefinitely and may be expanded, subject to approval by the Administrative Officer, provided the expansion is in accordance with any applicable requirements of these regulations, does not increase the degree of non-compliance and meets the requirements of Section 502.03 if the expansion of a non-conforming use is involved.

503.02 Shall not be re-established if such structure has ceased to exist for a period of 12 months or more for any reason, or has been replaced by a conforming structure. Intent to re-establish a non-complying structure shall not confer the right to do so.

503.03 Nothing in this section shall be deemed to prevent normal maintenance and repair of a con-complying structure provided that such action does not increase the degree of non-compliance.

ARTICLE VI: DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

Section 601: Word Definitions

The word person includes a firm, association, organization, partnerships, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

Section 602: Term Definitions

Accessory Structures or Use: A use or structure customarily incidental and subordinate to the principal use or building, and located on the same lot.

Administrative Officer: That individual appointed by the Planning Commission, with the approval of the Board of Selectmen, to enforce and administer these zoning regulations.

Agriculture: The cultivation of soil, production of crops, raising of livestock, poultry, and dairying.

Alteration: Exterior structural changes, re-arrangement, change of location, or addition to a building, other than repairs.

Area of Shallow Flooding: Means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Is the land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area may be designated as Zone

A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, AI-A30, AE, or A99.

Auction House: Includes commission sales establishments and grounds used in connection therewith.

Automobile Sales and Service: A structure for the display, sales, and servicing of new and used motor vehicles, trailers, mobile homes, boats and travel trailers.

Automobile Service Station: A structure or use pertaining to the maintenance, repair, and care of motor vehicles, trailers, mobile homes, boats and travel trailers.

Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement: Means any area of the building having its floor subgrade (below ground level on all sides).

Board: The Board of Adjustment

Boarding House: A building in which is provided rooms and/or meals for more than four people for profit, which use is clearly incidental and secondary to the use of the structure for dwelling purposes, and does not change the character thereof.

Building: Means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Building Height: Vertical distance measured from the average elevation of the finished lot grade at the front of a building to the highest point of its roof for flat and mansard roofs, and to the average height between eaves and ridge for all other roofs, but not to include steeples, towers, silos, and similar structures as set forth in Section 418 of these regulations.

Camps, Youth, and/or Adult: A recreational summer camp, this shall include, but not be limited to: YMCA, YWCA, Boy Scout, and/or Girl Scout camps and similar uses.

Cemetery: Any plot of ground used, or intended to be used, for the burial and/or disposition of remains of the human dead.

Club, Private: Building or use catering exclusively to club members and their guests for recreational purposes and not operated primarily for a profit.

Commercial Enterprise: The offering of goods and/or services for sale.

Commercial Forestry Uses: Any use related to the growing and/or harvesting of forestry products, including but not limited to sawmills.

Conditional Use: A use allowed only on approval by the Board of Adjustment after due notice, a public hearing, and the finding that such use complies with the general and specific standards set forth in this ordinance.

Development: Means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Dwelling, multi-family: Building used as living quarters by three or more families living independently of each other.

Dwelling, one-family: Building used as living quarters by one family.

Dwelling, two-family: Building used as living quarters by two families living independently of each other.

Dwelling Unit: Any dwelling or portion thereof used by one family and providing housekeeping facilities for that family.

Employees: The total number of persons employed by any concern on a full-time basis. Two part-time employees shall be equivalent to one full-time employee.

Family: One or more persons living in a single dwelling unit as a single housekeeping unit. Unless all persons living in a single dwelling unit are related by blood or marriage, or are adopted, or foster children, no such single housekeeping unit shall contain more than six persons. This shall not prevent temporary occupation of a dwelling unit by guests.

Farmstand: A structure for merchandising agricultural products, including farm markets and cooperatives.

Flood Hazard Area: Land subject to a one percent or greater chance of flooding in any given year (hundred-year flood), including areas where a hundred-year flood would produce a water level of three feet or less and a clearly defined channel does not exist.

Flood Hazard Boundary Map (FHBM): Means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): Means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium applicable to the community.

Flood Insurance Study: Means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Proofing: Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area: The total floor area used or intended to be used as living space. Basement, attic, and garage floor space shall be excluded when calculating floor space.

Governmental Uses: A use operated directly by a State or municipality as defined in I V. S.A. Section 126. A community owned and/or operated facility is a governmental use. Governmental use shall include an agency of the Federal government.

Group Home: A state licensed or registered community care home or group home serving not more than six persons who are developmentally disabled or physically handicapped. Such a home shall be considered, by right, to constitute a permitted single family residential use of property except that no such home shall be considered if it locates within 1000 feet of another such home.

Historical Buildings and Sites: Structures or places of local historical significance, where buildings or objects of history may be stored, preserved, or displayed.

Home Occupation: Any use conducted entirely within a dwelling or accessory structure, and carried on by the occupants thereof, which use is clearly incidental to the character thereof

Hotel: A building (other than a motel, tourist house, or boarding house) used to provide overnight accommodations, with or without meals, to the public for compensation.

Interested Person: Any one of the following:

1. A person owning title to property affected by one of these regulations who alleges that such regulation imposes on such property unreasonable or inappropriate restrictions of present or potential use;
2. The Town or any adjoining municipality;
3. A person owning or occupying property in the immediate neighborhood of a property which is the subject of any decision or act taken under these regulations who alleges that the decision, or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan of the municipality;
4. Any ten (10) persons owning real property within a municipality listed in paragraph 2 of this subsection, who, by signed petition of the Board, when the plan or one of these regulations is at issue in an appeal, allege that any relief requested by a person, if granted, will not be in accord with the policies, purposes, or terms of the plan of that municipality;
5. Any department and administrative subdivision of this state owning property or any interest therein within a municipality listed in paragraph 2 of this subsection, and the Agency of Development and Community Affairs of this State, or;
6. The municipal conservation commission, if there be one in the Town of Barnet.

Junk/Salvage Yard: Land or building used for the collection, storage or sale of waste paper, rags, scrap metal, or discarded material; or for the collection, wrecking, dismantling, storage, salvaging and sale of machinery parts or 4 or more unregistered vehicles.

Landfill, dump: Land used for the storage or disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

Lot: A plot of land which complies with all of the dimensional requirements for the district in which such land is located.

Lot Area: Total area within the property lines excluding any part thereof lying within the boundaries or right-of-way of a public road or proposed public road.

Lot, Corner: A lot abutting two or more intersecting streets which have an interior angle of less than 135 degrees at that intersection. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve, at the points of intersection of the side lot lines with the street, intersect at an interior angle of less than 135 degrees.

Lot Coverage: The maximum percentage of the lot area, which may be covered or occupied by buildings or structures.

Lot Depth: The average distance between the road line and the rear lot line, measured at right angles to the road line.

Lot Frontage: Length of road line for a single lot.

Lot Line: Property lines bounding a lot.

Lot Line, Rear: Means the lot line opposite and most distant from the road line. A corner lot has no rear lot line.

Lot Line, Right-of-Way: That line separating a public road right-of-way from those properties abutting such road right-of-way. Where the right-of-way has not been established and/or recorded, the road line shall be considered to be 25 feet from the center line of the traveled portion of such road or street.

Lot Line, Side: A lot line that is neither a road line nor a rear lot line.

Lowest Floor: Means the lowest floor of the lowest enclosed area (including basement). An

unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3.

Manufactured Home: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufacturing: Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled or packaged.

Material, bulk, flammable: Any material, gas, liquid, solid, or finely divided metal that may, through chemical reaction, cause a highly volatile product that can produce a fire and/or explosion.

Mean Sea Level: Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

Medical Service and care facilities: Any structure used to provide medical treatment and care for human beings. This shall include, but not be limited to, clinics, hospitals, nursing homes, and sanitariums.

Mineral and Earth Resource Processing: The extraction and processing of sand, soil, gravel, stone, and/or other minerals.

Mobile Home: A prefabricated dwelling which:

1. Is designed for long term and continuous residential occupancy;
2. Is designed to be moved on wheels, as a whole or in sections;
3. On arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on supports or a permanent foundation.

Mobile Home Park: A parcel of land under single or common ownership or control, which is designed, laid out, or adapted to accommodate three or more mobile homes.

Motel: A building containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and bathroom.

Non-Complying Structure: A structure or part thereof not complying with the zoning regulations covering building bulk, dimensions, height, area, density, or off-street parking or loading/unloading requirements for the district in which it is located, where such structure complied with all applicable laws, ordinances, and regulations, prior to the enactment of these regulations.

Non-Conforming Use: A use of land or structure which does not comply with all zoning regulations for the district in which it is located where such structure complied with all applicable laws, ordinances, and regulations, prior to the enactment of these regulations.

Non-Polluting: See polluting.

Non-Residential Use or Structure: Any structure whose primary use is not for living or sleeping quarters.

Nursery and/or Greenhouse, Commercial: An area or structure where plants as trees or shrubs are grown for transplanting or for use as stocks for budding and grafting.

Off-lot Water: Water supplied by a State approved municipal or private water supply system which serves two (2) or more structures.

Parking Space: Off-street space used for temporary location of one licensed motor vehicle, which is at least 10 feet wide and 20 feet long, not including access driveway, and having direct access to a street or approved right-of-way.

Planned Unit Development: An area of land, controlled by a person, to be developed as a single entity for a number of dwelling units, commercial or industrial uses, if any, the plan for which may not comply, in lot size, bulk or type of dwelling, commercial or industrial use, density, lot coverage and required open space, to the regulations established in one or more districts created in this zoning ordinance

Polluting: Producing a condition detrimental to the physical or mental functions of living organisms. This shall include potential adverse effects from sewage, or other bacterial contamination, particulate matter, chemicals, sound, visual, and other electromagnetic sources.

Principal Building: A building in which is conducted the main or principal use of the lot on which said building is located. Attached garages, porches, or carports open at the side but roofed are part of the principal building. Any building providing sleeping quarters is a principal building.

Prohibited Use: A use which is neither a permitted use nor a conditional use, and hence, not permitted in one or more districts.

Public Assembly Use: Includes, but is not limited to auditorium, theatre, public hall, school hall, meeting hall, church or temple, amusement facility, community center, club, stadium, museum, library, or lodge hall.

Recreation, Indoor: Includes indoor bowling alley, movie theatre, table tennis and pool hall, skating rink, swimming pool, and similar places of indoor recreation.

Recreation, Outdoor: Includes, but is not limited to: golf course, golf driving range, miniature golf course; canoe or boating club; trap, skeet, or archery ranges; swimming pool; skating rink, riding stables; park, lake, and beach; tennis court; playfield or playground; recreation stadium; skiing or similar public or commercial facilities.

Religious Institution: Includes church, temple, parish house, convent, seminary, retreat house, monastery, and other similar uses.

Retail Store: Store for the retail sale of goods.

Road, Public: Public way for vehicular traffic which affords the principal means of access to abutting properties. Public road shall mean a Class III or better road. Road and street shall have the same meaning.

Road, Street Grade: Officially established grade of the road or street upon which a lot fronts. If there is no officially established grade, the existing grade of the road shall be taken as the road grade.

School: Includes parochial, private, public, and nursery schools, college, university, and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music, and similar establishments.

Setback: The minimum required distance from a road line, side lot line, or rear lot line to a building or other structure measured to its nearest wall, porch or deck, but not to steps, or normal roof overhang.

Setback, Edge of Right-of-Way: The required setback from a public or private right-of-way line. In the event the width of the right-of-way is not established, the right-of-way line shall be considered to be 25 feet from the center line of the existing traveled portion of the right-of-way. Setback, Rear Yard: The required setback from a rear lot line. Setback, Side

Yard: The required setback from a side lot line. Shoreline: Shoreline means the land adjacent to and within 500 feet of the waters of Harvey's Lake, Warden Pond, Sara Moore Pond, Jewett Pond, the Connecticut River, the Passumpsic River, Joe's Brook, Stevens River, South Peacham Brook, Peacham Hollow Brook, Water Andric, and Jewett Brook. Shorelines shall also include the land between the high water mark and the mean low water mark of such surface waters.

Sign: Any exterior structure, display, device, or representation which is designed or used to advertise, call attention to, or direct a person to any business, association, profession, commodity, institution, product, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is intended to be visible from a public road.

Structure: Means an assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

Substantial Improvement: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

Swimming Pool: Private on residential lot shall be considered an accessory structure and be a permitted use in all districts.

Temporary Construction Hut: A temporary structure necessary to the development of lands or the construction of buildings or other structures.

Tourist House: A rooming house, primarily offering overnight accommodations for transients.

Travel Trailer: Includes any vehicle used as sleeping, camping, or living quarters, which is mounted on wheels, or a camper body usually mounted on a truck.

Travel Trailer Park: A parcel of land on which two or more travel trailers, occupied for sleeping purposes, are located.

Variance: A permit granted by the Board of Adjustment in accordance with Section 202.05(c) of these regulations, (Section 4468 of Title 24 V. S.A.), allowing a variation of the dimensional requirements set forth in these regulations. Variances will not be granted for uses not permitted in a specific district.

Water-Powered Facilities: Mills, shops, etc., which use water as a direct source of power.

Water, Public: Any State waters having access to a public road by permanent public right-of-way, easement, or public lands at least 20 feet wide.

Yard: Space on a lot not occupied by a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard Sale and Other Similar Activities: More than 5 days in a calendar year requires a conditional use permit in all districts.

ARTICLE VII: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

Section 701: Amendments

These regulations may be amended according to the requirements and procedures established in Sections 4403 and 4404 of the Act.

No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map, signed by the Board of Selectmen, and attested to by the Town Clerk.

Section 702: Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, and general welfare. Except for Section 4409(b) of the Act, and where, in these regulations, specifically provided to the contrary, it is not intended by these regulations to appeal, annul, or in any way impair any regulations or permits previously adopted or issued, provided however, that where these regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation permit, easement, or agreement, the provisions of these regulations shall control, except prior uses under any "grandfather" clause.

Section 703: Effective Date

This regulation shall take effect in accordance with the voting and other procedures contained in Section 4404 of the Act.

Section 704: Severability

The invalidity of any Section or Article of these regulations shall not invalidate any other Section or Article thereof.

Section 705: Application of State Law

Where any of the provisions of this ordinance are, or will become in conflict with the State Statutes, the State Statutes shall control.

Section 706: Repeal of Former Zoning Ordinance

The 1971 Town of Barnet Zoning Ordinance as amended in 1974 is hereby repealed.